

Legislative Update 3-11-10

Autism Insurance

SS SB 618, Sen. Rupp and Schmitt

Current Status: Senate Substitute passed voice vote on the Senate floor; final vote pending hearing and approval by Fiscal Review Committee.

Provisions: Requires insurance coverage for diagnosis and treatment of autism spectrum disorders. The Senate Substitute sets the annual limit for ABA services at \$55,000 for individuals under age 21, with an annual adjustment for inflation. It also includes an opt-out provision for small business if they can show 2.5 percent increase in premiums due to the autism mandate. The SS also includes an amendment that allows health insurance to be purchased across state lines. The fiscal note from the Missouri Consolidated Insurance has been revised. Amendment added during floor debate allows purchase of insurance across state lines

HCS HB 1311 & 1341, Rep. Scharnhorst

Current Status: Passed by the House by 135-18 vote. Awaiting action by the Senate.

Provisions: Requires insurance coverage for diagnosis and treatment of autism spectrum disorders. The HCS sets the annual limit for ABA services at \$36,000 for individuals age 18 and under. It also includes an opt out provision for businesses if they can show a 2.5 percent increase in premiums due to the autism mandate. The HCS also includes licensing for Applied Behavior Analysts and registration for the line therapists.

Psychotropic Medications:

HB 1918, Rep. Sater

Current Status: Hearing has been held in the Health Care Policy Committee. Committee has not taken action on the bill.

Provisions: Changes the laws regarding public assistance programs administered by the state. The bill includes a provision requiring MO HealthNet to establish the Psychotropic Medication Review Subcommittee to review psychotropic medications and develop, access, use, and monitor requirements for all medications approved by the United States Food and Drug Administration that may be used to treat behavioral health issues. The pending amendment to the bill does not include a Preferred Drug List for psychotropic medications.

(Over)

HB 1644, Rep. Riddle

Seeks to address the issue of injuries at Fulton State Hospital and the perception by staff that they are often treated unfairly by the Department in abuse neglect investigation process. The House Committee on Corrections and Public Institutions held two hearings to get testimony on the issues. The current version of the bill sanctions the use of force by staff when they are acting in self defense or defense of others. The bill was voted out of committee 10-0 and is now before the House Rules Committee. The DMH testified at the hearings and explained its concerns with the legislation, including that it does not address the issue of staff injuries. The DMH is moving ahead with actions to address injuries to staff at FSH, including:

1. Implementation of a pay differential for staff working in the Biggs Unit, where most the injuries occur;
2. Contracting with Callaway County Jail for housing of those patients who have had competency restored are awaiting a court hearing in their local court;
3. Using deputized security staff on wards in the Biggs Unit.
4. Installing an individualized employee alarm system.

DMH bills

Protecting DMH staff, SB 774, Sen. Lembke, has passed the Senate and is awaiting action in the House.

This proposal would make it a crime for patients at the Sexual Offender Treatment and Rehabilitation Services (SORTS) unit at Farmington to use bodily fluids, saliva, urine, etc., to assault staff or other patients. Action we can currently take, such as restricting patients to their room, have no impact on curbing this type of behavior for the problem patients.

Consent bills HB 1894 and SB 945, moving through consent process

This proposal makes a change to 630.220 to clarify that division director or their designee can certify patient accounts that are submitted to the court for collection for services provided. Current law says that head of the facility must certify the patient account and attach the "seal" of the facility. Facility seals no longer exist and have not been used for many years. Division Director has assumed this responsibility. This was challenged recently by a local court, citing the current wording of the statute. The statute is not consistent with current practice. Making the proposed change would codify current practice and eliminate court challenges to the statute.

HB 2273 and SB 1059 strengthen relationship with Missouri Mental Health Foundation

This consent bills would allow the DMH to contract directly with the MMHF for purposes of helping the Department accomplish its statutory mission of *"improving public understanding of and attitudes toward mental disorders, developmental disabilities and alcohol and drug abuse."*

